

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT MILLER,		:	
	Plaintiff,	:	19 Civ. 7172 (LGS)
		:	
-against-		:	<u>ORDER</u>
		:	
NETVENTURE24 LLC,		:	
	Defendants.	:	
-----X		:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by the Default Judgment Order dated November 5, 2019, Plaintiff was granted judgment against Defendant Netventure24 LLC, and Plaintiff’s request for liquidated damages and costs was referred to Magistrate Judge Barbara Moses for a post-default judgment inquest (Dkt. Nos. 29, 30).

**Damages**

WHEREAS, on August 6, 2021, Judge Moses issued a Report and Recommendation (the “Report”) recommending that Plaintiff be awarded: (1) \$14,000 in statutory damages under the Copyright Act; (2) \$10,000 in statutory damages under the Digital Millennium Copyright Act; and (3) attorneys’ fees and costs (Dkt. No. 34);

WHEREAS, as stated in Judge Moses’s Report, the deadline for any objections was fourteen days from service of the Report;

WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a Magistrate Judge’s report and recommendation, a District Judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *accord Niles v. O’Donnell*, No. 17 Civ. 1437, 2019 WL 1409443, at \*1 (S.D.N.Y. Mar. 28, 2019);

WHEREAS, the Court finds no clear error on the face of the record as to the recommendation of statutory damages and attorneys’ fees and costs.

**Attorneys’ Fees and Costs**

WHEREAS, on November 22, 2019, Plaintiff filed a motion for attorneys’ fees and costs seeking (1) \$4,235.00 in attorneys’ fees and (2) \$728.50 in costs (Dkt. No. 32);

WHEREAS, Plaintiff’s motion for attorneys’ fees and costs is unopposed;

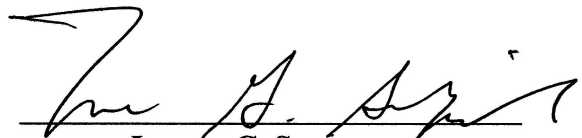
WHEREAS, Plaintiff, as the aggrieved and prevailing party, is entitled to recover reasonable attorneys’ fees and costs. 47 U.S.C. § 605(e)(3)(B)(iii) (providing that a court “shall direct the recovery of full costs, including awarding reasonable attorneys’ fees to an aggrieved party who prevails”);

WHEREAS, this Court has reviewed Plaintiff’s motion for attorneys’ fees and costs and finds (1) the number of hours billed reasonable and commensurate with the work performed; (2) the rates charged reasonable in comparison to the hourly rate normally charged for similar work by attorneys of like skill in the area; and (3) the costs incurred reasonable. It is hereby

**ORDERED and ADJUDGED** that the Report is ADOPTED and Plaintiff’s request for attorneys’ fees and costs is GRANTED. Plaintiff is awarded (1) \$14,000 in statutory damages under the Copyright Act; (2) \$10,000 in statutory damages under the Digital Millennium Copyright Act and (3) attorneys’ fees and costs in the amount of \$4,235.00 and \$728.50 respectively, for a total award of \$28,963.50. If delinquent, Defendant shall pay post-judgment interest pursuant to 28 U.S.C. § 1961.

The Clerk of Court is respectfully directed to close the case.

Dated: September 2, 2021  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**